



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

SENATE BILL NO. 12

AS ENACTED

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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to principal selection.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔ Section 1. KRS 160.345 is amended to read as follows:

4 (1) For the purpose of this section:

5 (a) "Minority" means American Indian; Alaskan native; African-American;
6 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or
7 South American origin; Pacific islander; or other ethnic group
8 underrepresented in the school;

9 (b) "School" means an elementary or secondary educational institution that is
10 under the administrative control of a principal and is not a program or part of
11 another school. The term "school" does not include district-operated schools
12 that are:

- 13 1. Exclusively vocational-technical, special education, or preschool
14 programs;
- 15 2. Instructional programs operated in institutions or schools outside of the
16 district; or
- 17 3. Alternative schools designed to provide services to at-risk populations
18 with unique needs;

19 (c) "Teacher" means any person for whom certification is required as a basis of
20 employment in the public schools of the state, with the exception of principals
21 and assistant principals; and

22 (d) "Parent" means:

- 23 1. A parent, stepparent, or foster parent of a student; or
- 24 2. A person who has legal custody of a student pursuant to a court order
25 and with whom the student resides.

26 (2) Each local board of education shall adopt a policy for implementing school-based
27 decision making in the district which shall include, but not be limited to, a

1 description of how the district's policies, including those developed pursuant to
2 KRS 160.340, have been amended to allow the professional staff members of a
3 school to be involved in the decision making process as they work to meet
4 educational goals established in KRS 158.645 and 158.6451. The policy may
5 include a requirement that each school council make an annual report at a public
6 meeting of the board describing the school's progress in meeting the educational
7 goals set forth in KRS 158.6451 and district goals established by the board. The
8 policy shall also address and comply with the following:

9 (a) Except as provided in paragraph (b)2. of this subsection, each participating
10 school shall form a school council composed of two (2) parents, three (3)
11 teachers, and the principal or administrator. The membership of the council
12 may be increased, but it may only be increased proportionately. A parent
13 representative on the council shall not be an employee or a relative of an
14 employee of the school in which that parent serves, nor shall the parent
15 representative be an employee or a relative of an employee in the district
16 administrative offices. A parent representative shall not be a local board
17 member or a board member's spouse. None of the members shall have a
18 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to
19 district employees;

20 (b) 1. The teacher representatives shall be elected for one (1) year terms by a
21 majority of the teachers. A teacher elected to a school council shall not
22 be involuntarily transferred during his or her term of office. The parent
23 representatives shall be elected for one (1) year terms. The parent
24 members shall be elected by the parents of students preregistered to
25 attend the school during the term of office in an election conducted by
26 the parent and teacher organization of the school or, if none exists, the
27 largest organization of parents formed for this purpose. A school

council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;

(c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to

1 facilitate the participation of interested persons, including, but not
2 limited to, classified employees and parents. The policy shall include the
3 number of committees, their jurisdiction, composition, and the process
4 for membership selection;

5 (d) The school council and each of its committees shall determine the frequency
6 of and agenda for their meetings. Matters relating to formation of school
7 councils that are not provided for by this section shall be addressed by local
8 board policy;

9 (e) The meetings of the school council shall be open to the public and all
10 interested persons may attend. However, the exceptions to open meetings
11 provided in KRS 61.810 shall apply;

12 (f) After receiving notification of the funds available for the school from the local
13 board, the school council shall determine, within the parameters of the total
14 available funds, the number of persons to be employed in each job
15 classification at the school. The council may make personnel decisions on
16 vacancies occurring after the school council is formed but shall not have the
17 authority to recommend transfers or dismissals;

18 (g) The school council shall determine which textbooks, instructional materials,
19 and student support services shall be provided in the school. Subject to
20 available resources, the local board shall allocate an appropriation to each
21 school that is adequate to meet the school's needs related to instructional
22 materials and school-based student support services, as determined by the
23 school council. The school council shall consult with the school media
24 librarian on the maintenance of the school library media center, including the
25 purchase of instructional materials, information technology, and equipment;

26 (h) Personnel decisions at the school level shall be as follows:

27 1. From a list of qualified applicants submitted by the local superintendent,

the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph~~[subsection (2)]~~(i)10. of this subsection~~[section]~~. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect.

2. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal~~[school council shall select the new principal from among those persons recommended by the local superintendent, except as provided in subparagraph 4. of this paragraph. The superintendent shall provide additional applicants upon request when qualified applicants are available].~~ The school council shall receive training in recruitment and interviewing techniques prior to carrying out

1 the process of selecting a principal. The council shall select the trainer to
2 deliver the training.

3 3. Personnel decisions made at the school level under the authority of
4 subparagraphs 1., 2., and 4. of this paragraph shall be binding on the
5 superintendent who completes the hiring process.

6 4. If the vacancy for the position of principal occurs in a school that has an
7 index score that places it in the lowest one-third (1/3) of all schools
8 below the assistance line and the school has completed a scholastic audit
9 under KRS 158.6455 that includes findings of lack of effectiveness of
10 the principal and school council, the superintendent shall appoint the
11 principal after consulting with the school council.

12 5. Applicants subsequently employed shall provide evidence that they are
13 certified prior to assuming the duties of a position in accordance with
14 KRS 161.020~~[- The superintendent shall provide additional applicants~~
15 ~~upon request when qualified applicants are available];~~

16 (i) The school council shall adopt a policy to be implemented by the principal in
17 the following additional areas:

18 1. Determination of curriculum, including needs assessment, curriculum
19 development and responsibilities under KRS 158.6453(7);

20 2. Assignment of all instructional and noninstructional staff time;

21 3. Assignment of students to classes and programs within the school;

22 4. Determination of the schedule of the school day and week, subject to the
23 beginning and ending times of the school day and school calendar year
24 as established by the local board;

25 5. Determination of use of school space during the school day;

26 6. Planning and resolution of issues regarding instructional practices;

27 7. Selection and implementation of discipline and classroom management

- 1 techniques as a part of a comprehensive school safety plan, including
2 responsibilities of the student, parent, teacher, counselor, and principal;
- 3 8. Selection of extracurricular programs and determination of policies
4 relating to student participation based on academic qualifications and
5 attendance requirements, program evaluation, and supervision;
- 6 9. Procedures, consistent with local school board policy, for determining
7 alignment with state standards, technology utilization, and program
8 appraisal; and
- 9 10. Procedures to assist the council with consultation in the selection of
10 personnel by the principal, including, but not limited to, meetings,
11 timelines, interviews, review of written applications, and review of
12 references. Procedures shall address situations in which members of the
13 council are not available for consultation; and
- 14 (j) Each school council shall annually review data as shown on state and local
15 student assessments and program assessments required under KRS 158.6453.
16 The data shall include but not be limited to information on performance levels
17 of all students tested, and information on the performance of students
18 disaggregated by race, gender, disability, and participation in the federal free
19 and reduced price lunch program. After completing the review of data, each
20 school council, with the involvement of parents, faculty, and staff, shall
21 develop and adopt a plan to ensure that each student makes progress toward
22 meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of
23 each year and submit the plan to the superintendent and local board of
24 education for review as described in KRS 160.340. The Kentucky Department
25 of Education shall provide each school council the data needed to complete
26 the review required by this paragraph no later than November 1 of each year.
27 If a school does not have a council, the review shall be completed by the

1 principal with the involvement of parents, faculty, and staff.

2 (3) The policies adopted by the local board to implement school-based decision making
3 shall also address the following:

4 (a) School budget and administration, including: discretionary funds; activity and
5 other school funds; funds for maintenance, supplies, and equipment; and
6 procedures for authorizing reimbursement for training and other expenses;

7 (b) Assessment of individual student progress, including testing and reporting of
8 student progress to students, parents, the school district, the community, and
9 the state;

10 (c) School improvement plans, including the form and function of strategic
11 planning and its relationship to district planning, as well as the school safety
12 plan and requests for funding from the Center for School Safety under KRS
13 158.446;

14 (d) Professional development plans developed pursuant to KRS 156.095;

15 (e) Parent, citizen, and community participation including the relationship of the
16 council with other groups;

17 (f) Cooperation and collaboration within the district, with other districts, and with
18 other public and private agencies;

19 (g) Requirements for waiver of district policies;

20 (h) Requirements for record keeping by the school council; and

21 (i) A process for appealing a decision made by a school council.

22 (4) In addition to the authority granted to the school council in this section, the local
23 board may grant to the school council any other authority permitted by law. The
24 board shall make available liability insurance coverage for the protection of all
25 members of the school council from liability arising in the course of pursuing their
26 duties as members of the council.

27 (5) ~~[After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to~~

~~implement school-based decision making shall do so.]~~All schools shall implement school-based decision making~~[by July 1, 1996]~~, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the

1 Department of Education the names and addresses of each council member and
2 verify that the required training has been completed. School council members
3 elected to fill a vacancy shall complete the applicable training within thirty (30)
4 days of their election.

5 (7) A school that chooses to have school-based decision making but would like to be
6 exempt from the administrative structure set forth by this section may develop a
7 model for implementing school-based decision making, including but not limited to
8 a description of the membership, organization, duties, and responsibilities of a
9 school council. The school shall submit the model through the local board of
10 education to the commissioner of education and the Kentucky Board of Education,
11 which shall have final authority for approval. The application for approval of the
12 model shall show evidence that it has been developed by representatives of the
13 parents, students, certified personnel, and the administrators of the school and that
14 two-thirds (2/3) of the faculty have agreed to the model.

15 (8) The Kentucky Board of Education, upon recommendation of the commissioner of
16 education, shall adopt by administrative regulation a formula by which school
17 district funds shall be allocated to each school council. Included in the school
18 council formula shall be an allocation for professional development that is at least
19 sixty-five percent (65%) of the district's per pupil state allocation for professional
20 development for each student in average daily attendance in the school. The school
21 council shall plan professional development in compliance with requirements
22 specified in KRS 156.095, except as provided in KRS 158.649. School councils of
23 small schools shall be encouraged to work with other school councils to maximize
24 professional development opportunities.

25 (9) (a) No board member, superintendent of schools, district employee, or member of
26 a school council shall intentionally engage in a pattern of practice which is
27 detrimental to the successful implementation of or circumvents the intent of

1 school-based decision making to allow the professional staff members of a
2 school and parents to be involved in the decision making process in working
3 toward meeting the educational goals established in KRS 158.645 and
4 158.6451 or to make decisions in areas of policy assigned to a school council
5 pursuant to paragraph (i) of subsection (2) of this section.

6 (b) An affected party who believes a violation of this subsection has occurred may
7 file a written complaint with the Office of Education Accountability. The
8 office shall investigate the complaint and resolve the conflict, if possible, or
9 forward the matter to the Kentucky Board of Education.

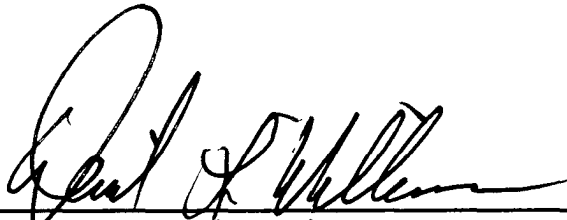
10 (c) The Kentucky Board of Education shall conduct a hearing in accordance with
11 KRS Chapter 13B for complaints referred by the Office of Education
12 Accountability.

13 (d) If the state board determines a violation has occurred, the party shall be
14 subject to reprimand. A second violation of this subsection may be grounds
15 for removing a superintendent, a member of a school council, or school board
16 member from office or grounds for dismissal of an employee for misconduct
17 in office or willful neglect of duty.


18 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or
19 maintain a school-based decision making council and the powers, duties, and
20 authority granted to a school council may be rescinded or the school council's role
21 may be advisory if the commissioner of education or the Kentucky Board of
22 Education takes action under KRS 160.346.

23 (11) Each school council of a school containing grades K-5 or any combination thereof,
24 or if there is no school council, the principal, shall develop and implement a
25 wellness policy that includes moderate to vigorous physical activity each day and
26 encourages healthy choices among students. The policy may permit physical activity
27 to be considered part of the instructional day, not to exceed thirty (30) minutes per

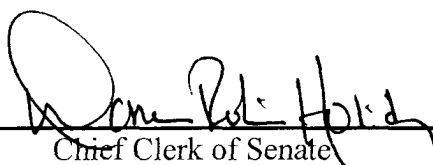
1 day, or one hundred and fifty (150) minutes per week. Each school council, or if
2 there is no school council, the principal, shall adopt an assessment tool to determine
3 each child's level of physical activity on an annual basis. The council or principal
4 may utilize an existing assessment program. The Kentucky Department of
5 Education shall make available a list of available resources to carry out the
6 provisions of this subsection. The department shall report to the Legislative
7 Research Commission no later than November 1 of each year on how the schools
8 are providing physical activity under this subsection and on the types of physical
9 activity being provided. The policy developed by the school council or principal
10 shall comply with provisions required by federal law, state law, or local board
11 policy.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-16-11